

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6011L

V.

LORAL RICHARD HUFFMAN, Jr.,

Defendant.

Defendant, Loral Richard Huffman, Jr. (“Huffman”), was originally indicted in April 2003. He was charged in several counts with threatening to tamper with consumer products and mailing threatening communications to various entities. That case was assigned to United States District Judge Charles J. Siragusa. Upon Huffman’s application, he was appointed counsel under the Criminal Justice Act and Mark D. Hosken, Assistant Public Defender, was assigned to represent him. Various motions were filed by Hosken and Judge Siragusa granted a motion to dismiss the indictment, without prejudice, because of a violation of the Interstate Act on Detainers. That order was entered December 22, 2004.

Thereafter, Huffman was reindicted on January 20, 2005 (05-CR-6011) and the case was again assigned to Judge Siragusa. Huffman was apparently dissatisfied with attorney Hosken, although he had obtained a dismissal of the indictment, and asked that he be relieved. Judge

Siragusa appointed new counsel, Herbert Lewis, who entered an appearance on the second indictment. As a result of proceedings occurring before Judge Siragusa, Huffman's second appointed attorney, Lewis, at his request, was relieved.

The indictment was then transferred to this Court, and I appointed attorney Robert W. Wood to represent Huffman. The relationship between Wood and Huffman has not been the best. Huffman filed a motion to discharge attorney Wood and also represented that he had filed a grievance against the attorney with the New York State Attorney Grievance Committee. The Court attempted to mediate those disputes at a court proceeding on October 27, 2005, and, at that time, I denied the motion to discharge attorney Wood.

Since that time, however, matters have not improved and Huffman has filed additional papers and has apparently filed a second grievance against attorney Wood. Attorney Wood has now moved (Dkt. #30) to withdraw as attorney. Huffman has also filed a series of letters directly with the Court seeking Wood's removal. Under these circumstances, it appears that the relationship between Huffman and Wood has deteriorated to such an extent that I believe it to be in the best interest of Huffman, and Wood as well, that Huffman's motion be granted and that attorney Wood be relieved of any further responsibility on the case, except to transmit the file to new counsel.

Therefore, I hereby relieve attorney Robert W. Wood and appoint attorney James P. Harrington, 1620 Statler Towers, Buffalo, New York 14202-3093 to represent the defendant in proceedings before this Court.

The Court schedules a status conference for December 22, 2005 at 10:30 a.m. for appearance of counsel and for purposes of scheduling. There are pending motions and new counsel may wish to supplement those matters.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
December 12, 2005.